



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gillespie et al.

Group No.: 1646

U.S. Serial No.: 09/703,951

Filed: November 1, 2000

Examiner: Michael T. Brannock

For: DNA ENCODING HUMAN α AND β SUBUNITS OF NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR, CELLS TRANSFORMED THEREWITH, AND RECOMBINANT CELL LINE EXPRESSING A HUMAN α AND β SUBUNIT OF NEURONAL NICOTINIC ACETYLCHOLINE RECEPTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**
[37 CFR 1.321]

I, Joanne M. Giesser, residing at Merck & Co., Inc., 126 E. Lincoln Avenue, Rahway, New Jersey 07065, am a representative of the assignee identified below, empowered to act on its behalf, pursuant to attached Corporate Resolution No. 5, dated 04/27/2004.

The assignee, Merck & Co., Inc., certifies that it is the assignee of the entire right, title and interest in the above-identified patent application by virtue of an Assignment from the inventor(s) in the aforesaid patent application, which was

☒ recorded in the United States Patent & Trademark Office on Reel(s) 011706
Frame(s) 0878 on 03/26/2001,

☐ was forwarded for recording on _____, with a copy of the recordation form and assignment attached hereto, or

☐ is being concurrently forwarded for recording under separate cover, with a copy of the recordation form and assignment attached hereto.

The aforesaid assignment establishes the ownership in the assignee of the above-identified application pursuant to 37 CFR 3.73(b).

The undersigned has reviewed all of the evidentiary documents in the chain of title of the above-identified patent application, and the undersigned certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee named above.

I hereby disclaim the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

☒ United States Patent No. 5,837,489, or as presently shortened by any terminal disclaimer,

☐ Any patent granted on application serial number _____,

and hereby agree that any patent so granted on the above-identified application shall be enforceable on, for and during such periods that the legal title to said patent shall be the same as the legal title to:

☐ United States Patent No. _____,

☐ Any patent granted on application serial number _____,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of:

☐ United States Patent No. _____, or as presently shortened by any terminal disclaimer,

☐ Any patent granted on application serial number _____,

in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is requested to charge Account No. 13-2755 the sum of \$110.00 and any fee deficiency required by this paper. A duplicate of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Joanne M. Giesser
Disclaimant Joanne M. Giesser
Patent Counsel _____

Title

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In Duplicate
Attachs.

Date: 09/09/2004